



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request for Opinion
Concerning the Conduct of DYLAN FREHNER,
Former Lincoln County Deputy District Attorney,
State of Nevada.**

**Request for
Opinion No. 07-48C**

**NOTICE OF HEARING
and
PANEL DETERMINATION REGARDING JUST AND SUFFICIENT CAUSE
NRS 281A.440.3, .8 and NAC 281.197**

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Dylan Frehner (Frehner) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE:

**May 7, 2008 beginning at 1:00 p.m., or as soon thereafter as the Commission is able to hear the matter, at the following location:
GRANT SAWYER STATE BUILDING, 555 E. WASHINGTON AVENUE,
ROOM 4401, LAS VEGAS, NEVADA 89101 with a video-conference link to
NEVADA LEGISLATIVE BUILDING, 401 S. CARSON STREET, ROOM
3143, CARSON CITY, NEVADA 89701.**

The hearing may be one of several hearings scheduled at the same time as part of a regular meeting of the Commission, this matter may be continued until later in the day or from day to day (if hearing is scheduled for more than one day). It is Frehner's responsibility to be present when this matter is called. If Frehner is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469 ext. 222.

The hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. A verbatim record will be made by a certified court reporter.

Frehner has the right to appear, hear evidence presented to the Commission and to respond and present evidence. Frehner may be represented by legal counsel. A finding by the Commission of a violation of NRS Chapter 281A must be supported by a preponderance of the evidence.

Frehner has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other important rights are found in NRS 281A, NRS 233B, and NAC 281.005 through 281.242.

The purpose of the hearing is to determine whether, a violation of the Nevada Ethics in Government Law has occurred. Further, if a violation is found, whether such violation is willful and whether any penalties will be imposed by the Commission, pursuant to NRS 281A.480.

JURISDICTION

As former Lincoln County Deputy District Attorney, Frehner is a former public employee as defined by NRS 281A.150. As such, the Nevada Commission on Ethics has jurisdiction over this matter pursuant to NRS 281A.280 and NRS 281A.440.2(b).

FACTUAL ALLEGATIONS

The Request for Opinion (Complaint) that is at issue alleges violations of the Ethics in Government Law (NRS 281A) as follows:

Frehner allegedly violated:

- NRS 281A.400.1 when he departed from the faithful and impartial discharge of his public duties as deputy district attorney by seeking and accepting his current position as general counsel and general manager for the Lincoln County Water District (LCWD).
- NRS 281A.400.2 when he used his position as deputy district attorney to secure his current position.
- NRS 281A.400.3 when he participated in the negotiation of the contract for his current position while still acting as deputy district attorney.
- NRS 281A.400.5 by acquiring information as deputy district attorney that is not available to the general public and using that information to secure his current position.
- NRS 281A.400.10 when he used his position as deputy district attorney to obtain an employment contract for his current position.
- NRS 281A.430.4 when he entered into a contract for his current position without open competitive bidding, without establishing that the number of other candidates for the position may be limited, and by taking part in developing the contract specifications.

Additionally, Frehner allegedly used his former position to obtain employment for a family member when he influenced the county to hire his father-in-law for the position of Lincoln County Administrator/Manager.

Frehner allegedly violated:

- NRS 281A.400.2 when he used his position as deputy district attorney to secure the position of county manager for his father-in-law.

- NRS 281A.400.5 by acquiring information as deputy district attorney that is not available to the general public and using that information to secure the position for his father-in-law.
- NRS 281A.420.4 when, while acting as deputy district attorney, he failed to disclose his relationship to his father-in-law during the county commission meeting at which the hiring of his father-in-law was approved.

PANEL DETERMINATION

On March 13, 2008 and April 10, 2008, pursuant to NRS 281A.440.3, a Panel of Commissioners consisting of Commissioners Rick Hsu and John T. Moran, III (Panel) reviewed the following: Complaint; Response to Complaint; Executive Director's Report and Recommendation Regarding Just and Sufficient Cause and Supplemental Report.

At the March 13, 2008 Panel proceeding, the Panel found no just and sufficient cause exists for the Commission to hold a hearing and render an opinion on the allegations that Frehner violated NRS 281A.400.3 and NRS 281A.430.4. Therefore, these allegations were **dismissed**.

At the April 10, 2008 Panel proceeding, the Panel addressed the remaining allegations and found that just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegations that Frehner violated NRS 281A.400.1, .2, .5 and 281A.420.4. Therefore, these allegations were **dismissed**.

Further, the Panel found that **just and sufficient cause exists** for the Commission to hold a hearing and render an opinion on the allegation that Frehner violated NRS 281A.400.10 by using his position as deputy district attorney to obtain an employment contract for the position of general counsel and general manager for LCWD.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing.

Dated: _____

April 11, 2008

Patricia D. Cafferata
Patricia D. Cafferata, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION REGARDING JUST AND SUFFICIENT CAUSE ON RFO No. 07-48C** in an envelope and caused same to be mailed via Federal Express next day delivery to the following address:

Dylan Frehner
11 Lilith
Pioche, NV 89043

DATED: 04/14/08

Michelle A. Ené
An employee, Nevada Commission on Ethics